

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

**UNITED STATES OF
AMERICA,**

Plaintiff,

v.

**DONALD J. TRUMP,
WALTINE NAUTA, AND
CARLOS DE OLIVEIRA.**

Defendants.

No. 9:23-cr-80101-AMC

**MOTION OF 24 STATES FOR LEAVE TO FILE BRIEF AS
AMICI CURIAE OPPOSING SPECIAL PROSECUTOR'S
MOTION TO MODIFY CONDITIONS OF RELEASE**

The States of Iowa, Florida, West Virginia, Alabama, Alaska, Arkansas, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, and Wyoming (the “*amici States*”) move for leave to file the attached brief (Ex. 1) as *amici curiae* opposing the Special Prosecutor’s motion seeking to modify the conditions of release. *Amici States* offer unique and important perspectives on the

implications of the Special Prosecutor's argument and request for relief, and believe their briefing will benefit the Court.

This Court has the "inherent authority" to appoint *amici curiae* to assist the Court in a proceeding. *Resort Timeshare Resales, Inc. v. Stuart*, 764 F. Supp. 1495, 1500 (S.D. Fla. 1991). "Inasmuch as an amicus is not a party and does not represent the parties but participates only for the benefit of the court, it is solely within the discretion of the court to determine the fact, extent, and manner of participation by the amicus." *News & Sun-Sentinel Co. v. Cox*, 700 F. Supp. 30, 31 (S.D. Fla. 1988) (quotation omitted). Courts have recognized that appointment of *amici curiae* is appropriate when the *amici* have a "special interest" or can provide assistance to the court. *Id.* at 32.

Amici States each stand to suffer the harms identified in the brief if a gag order is imposed on President Trump. That order may affect the election, the First Amendment rights of tens of millions of Americans, and will prevent President Trump from opining on this important national election matter.

CONCLUSION

For the foregoing reasons, *Amici* States respectfully request that this Court grant them leave to file the attached brief. A proposed order is attached hereto (Ex. 2).

LOCAL RULE 7.1(a)(3) CERTIFICATION

In accordance with Local Rule 7.1(a)(3), counsel for *Amici* States have conferred by phone or email with all parties to this case in a good-faith effort to obtain consent to *Amici* States' Motion. Defendants have consented but as of the time of filing the Special Prosecutor had not indicated his consent or non-consent.

Respectfully submitted,

ASHLEY MOODY
Attorney General of Florida

BRENNA BIRD
Attorney General of Iowa

/s/ Henry C. Whitaker
HENRY C. WHITAKER
(FBN 1031175)
Solicitor General

ERIC H. WESSAN
Solicitor General

JAMES H. PERCIVAL
(FBN 1016188)
Chief of Staff

1305 E. Walnut Street
Des Moines, IA 50319
(515) 823-9117
(515) 281-4209 (fax)
eric.wessan@ag.iowa.gov

Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32399
(850) 414-3300
(850) 410-2672 (fax)
henry.whitaker@
myfloridalegal.com
james.percival@
myfloridalegal.com

PATRICK MORRISEY
Attorney General of West Virginia

MICHAEL R. WILLIAMS
Solicitor General

ATTORNEYS FOR
AMICI CURIAE

State Capitol Complex,
Bldg. 1, Rm. E-26
1900 Kanawha Blvd. E.
Charleston, WV 25305
304-558-2021
304-558-0140 (fax)
michael.r.williams@wvago.gov

June 16, 2024

CERTIFICATE OF SERVICE

The undersigned certifies that on the 16th day of June, 2024, this motion was electronically filed with the Clerk of Court using the CM/ECF system, which will serve all counsel of record.

/s/ Henry C. Whitaker
Solicitor General